

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Raul Febles  
Diane Febles

Case No.: 14-13773

Judge: SLM

Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Original         | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required         | <input type="checkbox"/> No Discharge Sought         |

Date: 1/3/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 200.00 per month to the Chapter 13 Trustee, starting on January 1, 2017 for approximately 2 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☒ Other sources of funding (describe source, amount and date when funds are available):

\$8,288 already paid into plan. Plan term total is 36 months.

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scura, Wigfield, Heyer, & Stevens, LLP	Administrative	Amount to be determined by the court after the filing of a supplemental fee application.

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan: Embrace Home Loans (mortgage on residence)

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Chase Auto	Auto lease	Rejected

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Claims
- 3) Secured and Priority Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 10/28/2014.

<p>Explain below <b>why</b> the plan is being modified:</p> <p>To change plan term from 60 month term to a 36 month term case.</p>	<p>Explain below <b>how</b> the plan is being modified:</p> <p>Part 1, section a updated to reflect plan term of 36 months.</p>
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 1/3/2017

/s/ Christopher J. Balala  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 1/3/2017

/s/ Raul Febles  
Debtor

Date: 1/3/2017

/s/ Diane Febles  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Raul Febles  
 Diane M. Febles  
 Debtors

Case No. 14-13773-SLM  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 47

Date Rcvd: Jan 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 25, 2017.

db/jdb  
 cr +Raul Febles, Diane M. Febles, 3531 Charles Court, North Bergen, NJ 07047-2311  
 +Embrace Home Loans, Inc., c/o LoanCare, LLC, 3637 Sentara Way,  
 Virginia Beach, VA 23452-4262  
 cr +JPMorgan Chase Bank, N.A., 201 N. Central Avenue, Fl. 7, Phoenix, AZ 85004-1071  
 lm LoanCare Servicing Ctr, Interstate Corp Cntr Bld 9, Norfolk, VA 23502  
 514755970 +ALTAIR OH XIII, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,  
 SEATTLE, WA 98121-3132  
 514564777 +Amex Dsnb, Po Box 8218, Mason, OH 45040-8218  
 514564778 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank Of America, Po Box 982235, El Paso, TX 79998)  
 514564779 Bank Of America, De5-019-03-07, Newark, DE 19714  
 514564780 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Cap One, Po Box 85520, Richmond, VA 23285)  
 514564781 +Cap1/bstby, PO Box 30253, Salt Lake City, NJ 84130-0253  
 514878252 Capital One, N.A., c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
 514564782 +Chase, 201 N. Walnut St//del-1027, Wilmington, DE 19801-2920  
 514564783 +Chase Auto, 600 Community Drive, Manhasset, NY 11030-3802  
 514564784 +Citi, 701 E 60th St B, Sioux Falls, SD 57104-0493  
 514819125 +Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493  
 514564785 +Cmre Financial Svcs In, 3075 E Imperial Hwy Ste, Brea, CA 92821-6753  
 514564786 +Department Of Taxation And Finance, ATTN: Office Of Counsel,  
 Building 9, W.A. Harriman Campus, Albany, NY 12227-0001  
 514623101 +Department Stores National Bank/American Express, Bankruptcy Processing, Po Box 8053,  
 Mason, OH 45040-8053  
 514623160 +Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,  
 Mason, OH 45040-8053  
 514564788 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999  
 514727526 +Embrace Home Loans, Inc., Pluese, Becker & Saltzman, LLC, 20000 Horizon Way, Suite 900,  
 Mt. Laurel, NJ 08054-4318  
 514571430 +First National Bank of Omaha, 1620 Dodge Street Stop Code 3105, Omaha Ne 68197-0002  
 514564789 +Fnb Omaha, Po Box 3412, Omaha, NE 68103-0412  
 514564792 +H N Y, Inc., 27 West 38th Street, New York, NY 10018-5518  
 514722097 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. BOX 29505-AZ1-1191,  
 Phoenix, AZ 85038-9505  
 514564794 LoanCare Servicing Ctr, Interstate Corp Cntr Bld, Norfolk, VA 23502  
 515434837 +NJCLASS, PO BOX 548, TRENTON,NJ 08625-0548  
 514564795 +Paul Michael Marketing, 15916 Union Tpke Ste 302, Flushing, NY 11366-1955  
 514564796 +Pulse, Becker & Saltzman, Llc, 20000 Horizon Way, Suite 900, Mt. Laurel, NJ 08054-4318  
 514564797 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 514564798 +Solomon And Solomon, P.C., Five Columbia Circle, Albany, NY 12203-6374  
 514564799 +State Of Nj Student As, 4 Quakenbridge Plz, Trenton, NJ 08619-1241  
 514695528 +TD BANK USA, N.A., C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,  
 SEATTLE, WA 98121-3132  
 514564800 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673  
 514564801 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497  
 514564802 +Travis P. Febles, 3531 Charles Court, North Bergen, NJ 07047-2311

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 23 2017 23:58:50 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 23 2017 23:58:47 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 514576223 E-mail/Text: mrdiscen@discover.com Jan 23 2017 23:57:55 Discover Bank,  
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025  
 514564787 +E-mail/Text: mrdiscen@discover.com Jan 23 2017 23:57:55 Discover Fin Svcs Llc,  
 Po Box 15316, Wilmington, DE 19850-5316  
 514564790 +E-mail/PDF: gecsedirecoverycorp.com Jan 23 2017 23:56:26 Gecrb/sams Club, Po Box 965005,  
 Orlando, FL 32896-5005  
 514564791 E-mail/PDF: gecsedirecoverycorp.com Jan 23 2017 23:55:13 Gecrb/walmart, Po Box 965024,  
 El Paso, TX 79998  
 514564793 +E-mail/Text: bnckohlsnotices@becket-lee.com Jan 23 2017 23:58:08 Kohls/capone,  
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096  
 514843999 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 24 2017 00:13:17  
 Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541  
 514802649 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 24 2017 00:13:17  
 Portfolio Recovery Associates, LLC, c/o Walmart Credit Card, POB 41067, Norfolk VA 23541  
 515905876 +E-mail/Text: bnc-quantum@quantum3group.com Jan 23 2017 23:58:40  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788,  
 Quantum3 Group LLC as agent for, MOMA Funding LLC 98083-0788  
 514703986 E-mail/Text: bnc-quantum@quantum3group.com Jan 23 2017 23:58:40  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788

TOTAL: 11



District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 47

Date Rcvd: Jan 23, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516390539*	+Quantum3 Group LLC as agent for,	MOMA Funding LLC,	PO Box 788,	Kirkland, WA 98083-0788,
	Quantum3 Group LLC as agent for,	MOMA Funding LLC	98083-0788	
515905875*	Quantum3 Group LLC as agent for,	MOMA Funding LLC,	PO Box 788,	Kirkland, WA 98083-0788
516390538*	Quantum3 Group LLC as agent for,	MOMA Funding LLC,	PO Box 788,	Kirkland, WA 98083-0788
				TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 25, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 17, 2017 at the address(es) listed below:

Christopher J. Balala on behalf of Joint Debtor Diane M. Febles cbalala@scuramealey.com,  
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
Christopher J. Balala on behalf of Debtor Raul Febles cbalala@scuramealey.com,  
ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
David L. Stevens on behalf of Debtor Raul Febles dstevens@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
David L. Stevens on behalf of Joint Debtor Diane M. Febles dstevens@scuramealey.com,  
cbalala@scuramealey.com/ecfbkfilings@scuramealey.com/dsklar@scuramealey.com/ascolavino@scuramealey.com  
Denise E. Carlon on behalf of Creditor Embrace Home Loans, Inc. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
John R. Morton, Jr. on behalf of Creditor JPMorgan Chase Bank, N.A.  
mortonlaw.bccraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Robert P. Saltzman on behalf of Creditor Embrace Home Loans, Inc. dnj@pbslaw.org  
Steven K. Eisenberg on behalf of Creditor Embrace Home Loans, Inc. bkecf@sterneisenberg.com,  
jmcnally@sterneisenberg.com/skelly@sterneisenberg.com/bkecf@sterneisenberg.com

TOTAL: 9